

REMARKS

Claims 21-24, 26, 28, 30-32, 39, 61-63, 66-68, 70, 105-106, 108-136, 138-159, and 161, are pending in the application. Claims 20, 36, 38, 60, 65, 107, 160, 162-164, have been canceled without prejudice or disclaimer. Claims 1-19, 25, 27, 29, 33-35, 37, 40-59, 64, 69, 71-104, 137 and 157 are withdrawn from consideration as being drawn to a non-elected invention.

Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

The Applicants thank the Examiner for his consideration of the October 25, 2005 traversal of the restriction requirement, and acknowledging the election of Group 8.

Claims 36, 38, and 65 were objected to under 37 CFR 1.75 (c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Since Claims 36, 38, 65, and 160, depend from withdrawn claims, these claims have been canceled without prejudice or disclaimer.

Claims 20-24, 26, 28, 30-32, 39, 60-63, 65, 68, 70, 105-106, 110, 114-117, 122-125, 127, 129-132, 134-136, 138, 140, 144, 159, and 162-164 stand rejected under 35 U.S.C. §102(e) as being anticipated by US 2003/0032204 (Walt et al).

However, the Examiner has found Claims 66, 67, 107-109, 111-113, 118-121, 126, 128, 133, 141-143, 145-156, 158, 160, and 161, objected to as being dependent upon a rejected base claim.

Claims 66, 111-113, 141, 150, 155, and 161 have been rewritten into independent form including all of the limitations of the base claim and any intervening claims. Thus, Claims 63, 66-68, 111-113, 141-143, 145-149, 150-154, 155, and 161 should now be found allowable.

Although the Applicants disagree with the Examiner's characterization of Claim 105, this claim has been amended to include the limitations of allowable Claim 107, which should result in the allowance of Claims 105-106, 108-110, 114-136, 138-140, 142-149, 151-154, 156-159, and 161.

With respect to the rejected claims, the Applicants respectfully submit that amended independent Claim 20 does not teach or suggest a method of sorting objects including distributing the objects over a surface of a structure; and evaluating the objects in the structure according to a predetermined criteria using a beam steering apparatus; wherein the structure is a disc.

Contrary to the Examiner's assertion, Walt et al. do not disclose or suggest a disc structure on which the objects are evaluated. Rather, para. 0028, to which the Examiner points as being relevant, discloses a substrate which is an optical array consisting of multiple strands of optical fibers or conduits (see para. 0027). Walt et al. do not disclose or suggest a disc structure as a substrate or optical array.

However, in the present invention, a disc substrate is a spinning laser disc, a CD player, or DVD player which combines the rotational motion of a disc with the radial motion of the laser to access sites at high speeds. There is no disclosure of using a disc in Walt et al.

Accordingly, amended Claim 20 is not anticipated by, nor obvious over, Walt et al., and the rejection of Claim 20 under 35 U.S.C. §102(e) should be withdrawn.

Further, since Claims 22-24, 26, 28, and 39, depend from Claim 20, they are also patentably distinguishable over Walt et al. for the reasons cited above with respect to Claim 20.

With respect to independent Claim 30, the Applicants respectfully submit that Walt et al. do not teach or suggest a method of sorting objects, including distributing the objects over a

surface of a structure, and evaluating the objects in the structure according to a predetermined criteria using a beam steering apparatus; wherein the structure is a meltable substrate, and the substrate is heated to melt a surface of the substrate, and the objects are embedded in the surface of the substrate.

Again, the Examiner points to para. 0028 as disclosing this feature in Walt et al. However, the Applicants respectfully disagree. There is no teaching or suggestion in Walt et al. that holographic optical trapping is used to heat and manipulate the specimen into a substrate which melts from the raised temperature of the specimen. Rather, in Walt et al., the substrate is the optical array which includes multiple strands. The strands are not meltable in any way, nor are the particles to be sorted embedded in the strands.

Further, the Examiner has found Claim 66 allowable, which is identical to Claim 30.

Accordingly, Claim 30 is not anticipated by, nor obvious over Walt et al., and the rejection of Claim 30 under 35 U.S.C. §102(e) should be withdrawn.

Further, since Claims 31-32 depend from Claim 30, they are also patentably distinguishable over Walt et al. for the reasons cited above with respect to Claim 30.

With respect to the rejection of independent Claim 60, as with Claim 20 above, the Applicants respectfully submit that Walt et al. do not teach or suggest an apparatus for sorting objects including a beam steering apparatus; and a structure having a surface on which the objects are distributed; wherein the objects are sorted using the beam steering apparatus according to whether the objects meet predetermined criteria; wherein the structure is a disc.

Rather, as stated above, Walt et al. do not disclose or suggest this feature.

Accordingly, Claim 61 is not anticipated by, nor obvious over Walt et al., and the rejection of Claim 61 under 35 U.S.C. §102(e) should be withdrawn.

Further, since Claims 62 and 159 depend from Claim 61, they should be found allowable by virtue of their dependency.

With respect to independent amended Claim 70, although the Applicants disagree with the Examiner's characterization of the claim, in order to further the prosecution of this case, the claim has been amended to include the features recited in allowable Claim 66, which should now make this claim allowable.

With respect to Claim 105, although the Applicants disagree with the Examiner's characterization of the claim, in order to further the prosecution of this case, the claim has been amended to include the features recited in allowable Claim 107, which should now make this claim allowable, along with dependent Claims 106, 108-110, 114-136, 138-159, and 161.

With respect to the Examiner's rejection of Claim 115, the Applicants respectfully submit that Walt et al. do not teach or suggest using a camera as an imaging system. Although Walt et al. disclose interfacing their device with a processor in para. 0070, and using a software program to display the results, the references does not teach or suggest using a camera as an imaging system as in the present invention.

Accordingly, Claim 115 should be found patentable over Walt et al.

Thus, the Applicants respectfully submit that the application should be in form for allowance, and such action is hereby solicited.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Jean C. Edwards

Jean C. Edwards
Registration No. 41,728

(57362)
AKERMAN SENTERFITT
801 Pennsylvania Avenue N.W.
Suite 600
Washington, D.C. 20004
202-824-1719 - phone
202-824-1791 - fax
Date: July 11, 2006